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FINANCING OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

Report of the Fifth Committee

Rapporteur: Mr. Larbi DJACTA (Algeria)

I. INTRODUCTION

1. At its 97th plenary meeting, on 28 February 1995, the General Assembly decided, on the proposal of the Secretary-General (A/49/241, para. 2), to add the following item to the list of items allocated to the Fifth Committee:

> "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".

2. At its 65th and 66th meetings, on 12 and 14 July 1995, the Fifth Committee considered the report of the Secretary-General (A/C.5/49/68). The related report of the Advisory Committee on Administrative and Budgetary Questions was presented orally by its Chairman.

3. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/49/SR.65 and 66).

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II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/49/L.67

4. At the 66th meeting, on 14 July 1995, the Chairman introduced draft resolution A/C.5/49/L.67 entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994", which was submitted on the basis of informal consultations.

5. At the same meeting, the Committee adopted draft resolution A/C.5/49/L.67 without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommended to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered Security Council resolution 955 (1994) of 8 November 1994, on the establishment of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, in which the Council adopted the Statute of the International Tribunal for Rwanda,

Having also considered Security Council resolution 977 (1995) of 22 February 1995, in which the Council decided that, subject to the conclusion of appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania, the International Tribunal for Rwanda should have its seat at Arusha,

Having further considered the report of the Secretary-General on the financing of the International Tribunal for Rwanda 1/ and the related

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1/ A/C.5/49/68.

observations and recommendations thereon presented by the Chairman of the Advisory Committee on Administrative and Budgetary Questions, 2/

Taking into account the views expressed by Member States in the Fifth Committee of the General Assembly,

1. Endorses the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions as presented by its Chairman, 2/ subject to the provisions of the present resolution;

2. Emphasizes the importance of assuring secure and stable financing of the International Tribunal for Rwanda so that it may fulfil its role in full and effectively;

3. Decides that the expenses of the Tribunal should be met through additional resources on the basis of assessed contributions and that they shall be financed through a separate special account outside the regular budget;

4. Decides also to appropriate to the Special Account for the International Tribunal for Rwanda a total amount of 13,467,300 United States dollars gross (12,914,900 dollars net) for the period to 31 October 1995, inclusive of the commitment authority of 2,914,900 dollars authorized by the Advisory Committee on Administrative and Budgetary Questions;

5. Decides further, as an ad hoc and exceptional arrangement, that, notwithstanding the provisions of paragraph 12 of General Assembly resolution 49/20 B of 12 July 1995, Member States will waive their respective shares in the credits arising from previous budgets of the United Nations Assistance Mission for Rwanda in the total amount of 6,733,650 dollars gross (6,457,450 dollars net) and hence accept an equivalent increase in the assessments for a future budget period of the Assistance Mission in an amount of 6,733,650 dollars gross (6,457,450 dollars net), to be transferred to the Special Account for the International Tribunal for Rwanda from the Special Account established for the United Nations Assistance Mission for Rwanda;

6. Decides to apportion 6,733,650 dollars gross (6,457,450 dollars net) for the period to 31 October 1995 among Member States in accordance with the scale of assessments for the year 1995 as set out in General Assembly resolution 49/19 B of 23 December 1994;

7. Decides also that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 6 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 552,400 dollars approved for the International Tribunal for Rwanda for the period to 31 October 1995;

8. Decides further that appropriations for 1 November to 31 December 1995 and for the biennium 1996-1997 under the Special Account referred to in

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2/ See A/C.5/49/SR.65.

paragraph 3 above, the amount of which shall be determined during the regular fiftieth session of the General Assembly, shall be financed equally through the modes of financing referred to in paragraphs 5 and 6 above, again notwithstanding the provisions of paragraph 12 of General Assembly resolution 49/20 B;

9. Decides to consider the report of the Secretary-General 1/ further at its fiftieth session, together with updated information on the establishment of the International Tribunal for Rwanda and related requirements;

10. Requests the Secretary-General to submit to the General Assembly at its fiftieth session a report on requirements for the International Tribunal for Rwanda in the biennium 1996-1997;

11. Authorizes the Secretary-General to make the necessary arrangements, including the signing of a lease agreement and construction contracts for the premises of the International Tribunal for Rwanda and granting of contracts of up to twelve months for its staff, to ensure that it is provided with adequate facilities and necessary staff resources, and to report to the General Assembly thereon;

12. Welcomes contributions already made to the Voluntary Fund to support the activities of the International Tribunal for Rwanda established by Security Council resolution 955 (1994) and invites Member States and other interested parties to make voluntary contributions to the International Tribunal both in cash and in the form of services and supplies acceptable to the Secretary-General;

13. Decides to review the mode of financing of the International Tribunal for Rwanda at its fifty-second regular session;

14. Requests the Secretary-General to submit a performance report at the end of each biennium, no later than May 1996 and May 1998, respectively;

15. Decides to include in the draft agenda of its fiftieth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994".